

IPW



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 13, 2004.

Wesley J. Koster
Attorney for Applicant(s)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/822,391
Applicant : Michael L. Howard et al.
Title : TONE GENERATING ELECTRONIC
DEVICE WITH PAGING MODULE FOR
VERIFICATION OF ENERGY
CURTAILMENT
Filed : April 12, 2004
TC/A.U. : 2838
Examiner : (not yet assigned)
Docket No. : 2291.2.18.1
Customer No. : 21552

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Transmitted herewith is an Information Disclosure Statement disclosing information which has come to the attention of applicants and/or their attorneys and is being submitted so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56. In accordance with 37 C.F.R. § 1.97(b), the enclosed Statement is being filed within three (3) months of the filing date of the above-identified application or before the mailing date of a first Action on the merits.

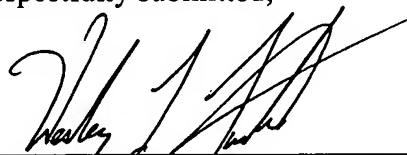
Neither applicants nor their attorneys make any representation that any information disclosed herein may be "prior art" within the meaning of that term under 35 U.S.C. § 102 or § 103. Moreover, pursuant to 37 C.F.R. § 1.97, the filing of this Information Disclosure Statement

shall not be construed as a representation that a search has been made or as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.98, transmitted herewith are:

1. A completed copy of Forms PTO/SB/08a and PTO/SB08b "Information Disclosure Statement by Applicant" listing the patents, publications and other information being submitted for consideration; and
2. A legible copy of each patent, publication and other item of information in written form listed on the enclosed Forms PTO/SB/08a and PTO/SB/08b, except for copies of U.S. patents and published U.S. patent applications which are not required for applications filed after June 30, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', is written over a horizontal line.

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant(s)

Date: July 13, 2004

MADSON & METCALF
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700



PTO/SB/08a (08-03)

Approved for use through 06/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 Of 1

Complete if Known

Application Number	10/822,391
Filing Date	April 12, 2004
First Named Inventor	Michael L. Howard
Group Art Unit	
Examiner Name	
Attorney Docket Number	2291.2.18.1

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	U1	US-2003/0036822	02/2003	Davis et al.	
	U2	US-6,260,765	07/2001	Natale et al.	
	U3	US-5,595,342	01/1997	McNair et al.	
	U4	US-2002/0196124	12/2002	Howard et al.	
	U5	US-2002/0125998	09/2002	Petite et al.	
	U6	US-2003/0027593	02/2003	Howard et al.	
	U7	US-5,926,776	07/1999	Glorioso et al.	
	U8	US-6,211,782	04/03/2001	Sandelman et al.	
	U9	US-6,160,477	12/12/2000	Sandelman et al.	
	U10	US-6,147,601	11/14/2000	Sandelman et al.	
	U11	US-5,640,153	06/17/1997	Hildebrand et al.	
	U12	US-5,608,655	03/04/1997	Moughanni et al.	
	U13	US-5,544,036	08/06/1996	Brown, Jr. et al.	
	U14	US-6,519,509	02/2003	Nierlich et al.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ² Applicant's unique citation designation number (optional). ³ See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and selection option 2.



PTO/SB/08b (08-03)

Approved for use through 06/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 1 Of 1	Complete if Known	
	Application Number	10/822,391
	Filing Date	April 12, 2004
	First Named Inventor	Michael L. Howard
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	2291.2.18.1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	O1	Austin Energy Web page, "Become a Power Partner with Austin Energy", pp. 1-2, printed June 6, 2001.	
	O2	Austin Energy Web page, "Honeywell Superstat", pp. 1-2, printed June 6, 2001	
	O3	Honeywell Web page, "Energy Management", p. 1, printed June 6, 2001.	
	O4	Honeywell Web page, "Remote Control for Your Home's Heating/Cooling System", pp. 1-2, printed June 6, 2001.	
	O5	Honeywell Web page, "Honeywell Home Controller Gateway", pp. 1-2, printed June 6, 2001.	
	O6	Honeywell Web page, "Your Home: Performance and Monitoring", pp. 1-3, printed June 6, 2001.	
	O7	Honeywell Web page, "Home Controller User Guide", Product Release Version 1.0.x, pp. 1-39, Copyright 2000, Honeywell, Inc.	
	O8	IEEE 100 The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition	
	O9	Motorola Web page, "Motorola's Creatalink 2XT Two-Way Data Transceiver Now Available for Additional ReFLEX™ Systems", pp. 1-2, printed April 6, 2003.	
	O10	Motorola Web page, "Motorola Brings Wireless Remote Control and Monitoring to Broad Array of Industrial Applications", pp. 1-3, printed April 6, 2003.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and selection option 2.